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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,373	02/17/2004	Scott J. Gross	1444-0002	1833

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CHICAGO, IL 60606

EXAMINER

SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
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2115

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,373

Applicant(s)

GROSS ET AL.

Examiner

Suresh K. Suryawanshi

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2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/17/07 amendments.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-40 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Martin, Jr. et al (US Patent 6,509,913; hereinafter Martin).

4. As per claim 1, Martin discloses a method and apparatus for tailoring the appearance of a graphical user interface. Martin clearly discloses a method for tailoring the appearance of a graphical user interface including the steps of (1) identifying a graphical user interface whose appearance is to be tailored; (2) providing data of the appearance and controls of the graphical user interface; and (3) tailoring the graphical user interface in accordance with the data. Further, a selected appearance and location of the controls and a user-selected region in which data is to be displayed within the graphical user interface is customized. Furthermore, Martin expressly discloses an editing tool program that is used to tailor a graphical user interface. Please read col. 2, lines 17-44; col. 3, lines 16-28; col. 4, lines 29-38; col. 5, lines 42-44, 61-65; col. 10, lines 30-35, 65-67; col. 11, lines 1-30.

Though applicants claim performing customization of a graphical user interface on a first computer and displaying on a second computer, applicants expressly disclose that one single computer can execute both the editor software and display software [paragraph 0057]. Martin clearly discloses so without any limitation. Martin clearly discloses that the techniques described in the present invention may also be used to modify any graphical user interface window.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al (US Patent 6,292,185; hereinafter Martin) in view of Zellweger (US Patent 6,397,222).

7. As per claims 2-40, Martin discloses a method and apparatus for tailoring the appearance of a graphical user interface. Martin clearly discloses a method for tailoring the appearance of a graphical user interface including the steps of (1) identifying a graphical user interface whose appearance is to be tailored; (2) providing data of the appearance and controls of the graphical user interface; and (3) tailoring the graphical user interface in accordance with the data. Further, a selected appearance and location of the controls and a user-selected region in which data is to

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be displayed within the graphical user interface is customized. Furthermore, Martin expressly discloses an editing tool program that is used to tailor a graphical user interface. Please read col. 2, lines 17-44; col. 3, lines 16-28; col. 4, lines 29-38; col. 5, lines 42-44, 61-65; col. 10, lines 30-35, 65-67; col. 11, lines 1-30.

Martin does not expressly disclose about providing a level of access in the method for tailoring the graphical user interface. But a routineer in the art would know that it is very common in the field of customization or tailoring system to have some sort of security where an unauthorized person cannot alter the graphical user interface unnecessarily. However, Zellweger clearly discloses that not only prior art of authoring system includes a password protection menu access but also the invention disclosed by Zellweger limits access to configuration interface to authorized users only [col. 4, lines 6-12, 50-57; col. 5, lines 50-60]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed to a similar system where a graphical user interface is customized or tailored. Moreover, clearly by having a level of access will protect the system from unwanted or unnecessary changes to a graphical user interface.

Response to Arguments

8. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Suresh K. Suryawanshi